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WASHINGTON, DC 20006

In re Application of	:
Joseph Loscalzo, et al.	: DECISION ON PETITION
Application No. 10/692,724	: UNDER 37 CFR 1.78(a)(3)
Filed: October 27, 2003	:
Attorney Docket No. 102258.170 US3	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 25, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the Application Data Sheet (ADS) filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is applicable to applications filed on or after November 29, 2000 and is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Further, a petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1) above. In this regard, petitioner did not submit an executed Application Data Sheet or an amendment that includes a proper reference under 37 CFR 1.78(a)(2)(i). It is noted that petitioner indicates that an amendment is being filed; however, no amendment was found among the papers filed March 25, 2008.

Before the petition can be granted, petitioner must submit a properly signed ADS or an amendment to the first sentence of the specification following the title to include a proper reference under 37 CFR 1.78(a)(2)(i), along with a renewed petition under 37 CFR 1.78(a)(6).

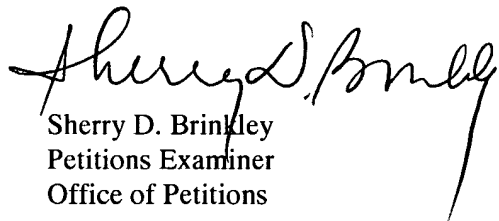
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
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By hand: U.S. Patent and Trademark Office
 Customer Service Window, Mail Stop PETITION
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 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions